

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**NO.: 1:12-CV-08484**

**MIDOIL USA, LLC**

**Petitioner,**

**DECLARATION IN SUPPORT**

**-against-**

**ASTRA PROJECT FINANCE PTY LTD.**

**Respondent,**

I Meir Moza, am an attorney duly admitted to practice law before the Court of the State of New Jersey and New York, hereby affirm the following under the penalties of perjury:

1. I Meir Moza, attorney for the Respondent herein, ASTRA PROJECT FINANCE PTY LTD. , respectfully submit to this most Honorable Court, in good faith, Respondent's Emergency Motion to Stay Arbitration and Compel Judicial Review with Memorandum of Law; and the Affidavit of Jaydeep Biswas.
2. Astra Project Finance Pty Ltd ("Astra") upon information and belief was fraudulently induced by Petitioner to enter the contract in question, the Corporate Financing Agreement (CFA) which included fraudulent inducement of the Arbitration provision 23.1 dated, 1/11/2012. For this reason alone this case cannot be sent to Arbitration without judicial review of the allegation of fraud in the inducement of the Arbitration clause. Because Respondent being is forced by the Petitioner to participate in Arbitration proceedings without judicial review which will result in the Respondent being irreparably harmed and irreparably prejudiced.

WHEREFORE the Respondent respectfully moves this Court for an Emergency Order: 1) in favor of the Respondent and against the Petitioner granting an emergency stay of arbitration; and (2) an Emergency Order in favor of the Respondent and against the Petitioner, compelling judicial review of the allegation of fraudulent inducement of the Arbitration clause provision 23.1 in the contract (CFA) by the United States District Court, Southern District of New York or by remand to the Superior Court of New Jersey, Bergen County, the Court of original jurisdiction; and/or (3) an Emergency Order dismissing with prejudice the Petitioner's Petition to Compel Arbitration in the United States District Court for the Southern District of New York; and (4) any other relief the Court deems just and proper.

Dated: June 24, 2013  
Mineola, NY

/s/  
**Meir Moza Esq.**  
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**Respondent**

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